

REMARKS

Prior to this Amendment, claims 1-31 were pending in the application. Claims 1-5 and 9 have been examined and claims 6-8 and 10-31 have been withdrawn by the Examiner. In this Amendment, claims 4, 6-11, 15-22, 24-26 and 28-29 have been amended, new claims 32-33 have been added and claims 1-3, 5, 12-14, 23 and 27 have been canceled. The amendments find support through out the specification. No new matter has been added. Upon entry of the foregoing amendments, claims 4, 6-11, 15-22, 24-26 and 28-33 will be pending.

New claim 32

Claim 32 has been added. This claim is based on claim 3, with, *inter alia*, the following revisions:

Ar1: is now selected from phenyl, pyridinyl, oxazolyl, isoxazolyl, pyrazolyl or imidazolyl;

Ar2 is pyridinyl;

R10 is selected from the group consisting of alkyl comprising 1 to 4 carbon atoms, Hal, CH₂Hal, CH(Hal)₂, perhaloalkyl comprising 1 to 4 carbon atoms, NO₂, (CH₂)_nCN, (CH₂)_nNR11R12, (CH₂)_nO(CH₂)_kNR11R12, (CH₂)_nCOR13, (CH₂)_nCOOR13, (CH₂)_nCONR11R12, (CH₂)_nSO₂NR11R12 and (CH₂)_nS(O)uR1, k and r are 0, 1 or 2, respectively; and

X is O, S, NR11, CHOR11, CH₂, CH₂CH₂, OCH₂, CH₂O, OCH₂CH₂ or CH₂CH₂O.

Restriction and Election

On page 2 of the Office Action, the Examiner has maintained the restriction made in the Restriction Requirement dated July 13, 2010.

In the Restriction Requirement, the Examiner withdrew claims 6-8 and 12-24 as directed to non-statutory subject matter (see Restriction Requirement page 3). Applicants note that previous claims 12-24 were "use" claims; however, applicants respectfully note that claims 6-8 were and are composition of matter claims that are fully permissible under the subject matter provisions of the patent laws. Accordingly, applicants respectfully request examination of claims 6-8. Regarding claims 12-24, applicants have amended these claims (those claims therein that have not been canceled, that is) so that the claims are directed to "method" claims instead of "use" claims.

The Examiner has withdrawn the pending method claims. As required under the *In re Ochiai* MPEP guidelines, upon allowance of the instant compound claims, applicants respectfully request rejoinder of the withdrawn method claims.

Regarding the election of species, the Examiner has set forth on page 2 of the Office Action, a description of the elected species. Applicants respectfully request examination of all species contained in new claim 32 and applicants submit that new claim 32 represents a reasonable number of species in addition to the species that was provisionally elected by applicants in the Response dated August 12, 2010.

Written Description Rejections

On page 3 of the Office Action, the Examiner has rejected claims 1-5, alleging that the claims lack adequate written description. Applicants have obviated this rejection by deletion of the recitations "solvates" and "derivatives" in the claims.

Enablement Rejection

On page 4 of the Office Action, the Examiner has rejected, applicants believe, claims 1-5, alleging that the claims are not enabled. Applicants have obviated this rejection by deletion of the recitations "solvates" and "derivatives" in the claims.

Indefiniteness Rejections

On pages 6-7 of the Office Action, the Examiner had rejected claims 1-5 and 9 as allegedly indefinite.

The Examiner has rejected claims 1-5 with respect to the terms "solvates" and "derivatives." Applicants have obviated this rejection by deleting these objected to recitations.

The Examiner has rejected claims 1-5 and 9 with respect to the use of the plural form in "salts," "derivatives," "solvates" and "compounds." Applicants have obviated this rejection by amending "salts" to "salt" and by deleting "derivatives" and "solvates" in the claims. Applicants have further obviated this rejection by canceling rejected claims 1-3. As applied to new claims 32 and 33, applicants note that claim 32 and the preamble of claim 33 refer to compound in the singular form. With respect to other instances, applicants respectfully submit that the use of the plural form of compounds is clear in that the term "compounds" is a clear term to the skilled artisan as is the use of the plural form. Applicants submit that the recited "compounds" are clearly referenced in the claims and would not create any confusion with respect to mixtures.

The Examiner has rejected claims 1-5 with respect to the term "preferably." Applicants have obviated this rejection by deletion of the term "preferably" from the claims.

The Examiner has rejected claim 9 on the grounds that the claim does not recite an inert carrier. Applicants respectfully submit that nowhere in the patent law is it required that a pharmaceutical composition claim recite an inert carrier. However,

applicants note that the claim has been amended to recite that the pharmaceutical composition comprises "one or more pharmaceutical ingredients."

The Examiner has further rejected claim 9 with respect to the term "contains." Applicants have obviated this rejection by the deletion of this term in claim 9.

The Examiner has rejected claim 1 with respect to the terms comprising, containing and contains. Applicants have obviated this rejection by the cancellation of claim 1. As this rejection may be applied to new claim 32 or claims herein, applicants submit that open ended language is not impermissible and also the terms comprising and contain are not unclear as used in the instant claims.

The Examiner has rejected claims 1 and 4 with respect to antecedent basis. Applicants have obviated this rejection by the cancellation of claim 1. As applied to new claim 32, applicants submit that the groups R⁶-R¹⁰, p, q, X and Y referenced in this rejection are recited in claim 32.

The Examiner has rejected claim 5 with respect to its reference to table 1 from the specification. Applicants have obviated this rejection by cancelling claim 5. With respect to new claim 33, applicants have incorporated the formulas from table 1 into the claim.

Claim Objections

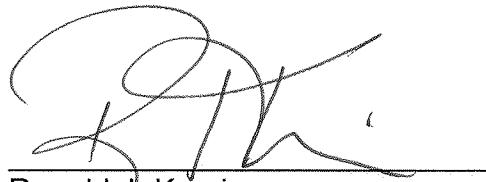
The Examiner has objected to the term "characterised" as misspelled. Applicants submit that this spelling is in fact a correct alternative to the more common spelling "characterized." Nonetheless, applicants have obviated this objection by replacing "characterised" with "characterized" or with "wherein."

The Examiner has objected to spelling of consisting of in claim 3. Applicants have obviated this objection by canceling claim 3.

REQUEST

Applicants submit that the claims are in condition for allowance, and respectfully request favorable consideration to that effect. The examiner is invited to contact the undersigned at (202) 434-1698 should there be any questions.

Respectfully submitted,



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